

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

CAROL A. BRENNAN, *individually* :
and on behalf of all others
similarly situated, :

Plaintiffs : CIVIL ACTION NO. 3:13-2939

v. : (JUDGE MANNION)

COMMUNITY BANK, N.A., :

Defendant :

ORDER

Presently before the court is a Motion to Certify Class and for Preliminary Approval of Class Action Settlement (Doc. 87), and a Motion to Strike Notice. (Doc. 92).

Regarding the Motion to Certify Class, the court held an in-court conference on January 27, 2015, subsequent to the filing of the initial motion for preliminary approval. (Doc. 87). The court expressed concern as to whether the forgiveness of the claimed deficiency debt should be optional, as opposed to presumptive. In response, Class Counsel has revised the settlement to provide presumptive debt forgiveness. The court **GRANTS** this motion.

Regarding the Motion to Strike Notice, the objector's Counsel ostensibly agreed to withdraw his objection when he filed the "Notice to Withdraw Doc. 90 Without Prejudice." (Doc. 91). However, this document contains an explicit request for the court to take note of the identical objection filed in the related

case, Urban v. Community Bank, 3:14-cv-01039, which amounts to a constructive refiling of the objection. Accordingly, the court will also **GRANT** the motion to strike the “objection” (Doc. 92) as untimely and premature.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: July 6, 2015

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